

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

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SUBURBAN PROPANE, L.P., )  
Plaintiff, )  
v. )  
ENERGY NORTH INCORPORATED, ) Civil Action No.  
HAFFNER'S OIL COMPANY, LLC, AND )  
JOSHUA R. MILLER, )  
Defendants. )  
\_\_\_\_\_  
)

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendants Energy North and Joshua R. Miller, by their attorneys, Epstein, Becker & Green, P.C. file this Notice of Removal regarding the case identified as *Suburban Propane, L.P. v. Energy North Incorporated, et al.*, Civil Action No. 226-2022-CV-00493, from the Hillsborough Superior Court, Southern District, in Hillsborough, New Hampshire. In support of this Notice of Removal, the Defendants Energy North Incorporated (“ENI”) and Mr. Miller state as follows:

**I. SERVICE AND TIMELINESS OF REMOVAL**

1. On December 8, 2022, Plaintiff Suburban Propane, L.P. filed a Complaint (“the Complaint”) with the Hillsborough Superior Court, Southern District, naming ENI and Mr. Miller as Defendants, as well as Haffner’s Oil Company, LLC.
2. Plaintiff served ENI with the Complaint on December 27, 2022, and Mr. Miller on December 20, 2022.

3. Fewer than thirty days have elapsed since the Plaintiff served the Defendants with the Complaint, making removal to this Court is timely under 28 U.S.C. § 1446(b).

4. Pursuant to 28 U.S.C. § 1446(b), the Defendants attach a copy of the Complaint and all other known papers filed in the state court action as Exhibit 1.

## **II. GROUND FOR REMOVAL**

### **A. There is Complete Diversity of Citizenship Between the Parties.**

5. This Court has original jurisdiction under 28 U.S.C. §§ 1332 and 1441, as this suit arises between citizens of different states and the amount in controversy exceeds \$75,000.00.

6. According to the Complaint, the Plaintiff is a limited partnership organized and existing under the laws of Delaware. Plaintiff's headquarters and principal address is 240 Route 10 West, Whippany, New Jersey 07891. For diversity jurisdiction purposes, the Plaintiff is a citizen of Delaware and New Jersey under 28 U.S.C. § 1332.

7. Defendant ENI is a corporation organized under the laws of Massachusetts with a principal address at Two International Way, Lawrence, Massachusetts 01843. For diversity jurisdiction purposes, Energy North is a citizen of Massachusetts under 28 U.S.C. § 1332.

8. Defendant Miller is a resident of New Hampshire, who resides at 679 Berry River Road, Barrington, New Hampshire 03825. For diversity jurisdiction purposes, Mr. Miller is a citizen of New Hampshire under 28 U.S.C. § 1332.

9. Defendant Haffner's is a limited liability company organized under the laws of Massachusetts with principal address at Two International Way, Lawrence, Massachusetts 01843. For diversity jurisdiction purposes, Energy North is a citizen of Massachusetts under 28 U.S.C. § 1332.

10. Because the Plaintiff is a citizen of Delaware and New Jersey, ENI is a citizen of Massachusetts, Mr. Miller is a citizen of New Hampshire, and Haffner's Oil Company, LLC is a citizen of Massachusetts, this action is between citizens of different states, consistent with 28 U.S.C. § 1332.

**B. The Amount in Controversy Exceeds \$75,000.**

11. The Plaintiff seeks to recover damages arising from the Mr. Miller's alleged violation of the non-compete agreement he signed while employed by Plaintiff and for tortious interference with that same contract by ENI. The aggregate amount of the Plaintiff's claim exceeds \$75,000.00, satisfying the amount in controversy.

**III. PROCEDURAL PREREQUISITES FOR REMOVAL HAVE BEEN SATISFIED**

12. Pursuant to 28 U.S.C. § 1391, venue is proper in the United States District Court for the District of New Hampshire, as the Complaint in this Action was filed in the Superior Court for the State of New Hampshire, Hillsborough County, Southern District.

13. The Defendants are filing a copy of this Notice of Removal with the Superior Court for the State of New Hampshire, Hillsborough County, as required under 28 U.S.C. § 1446(d).

14. This Notice of Removal is signed under Rule 11 of the Federal Rules of Civil Procedure, consistent with 28 U.S.C. § 1446. The statements and allegations herein are true and correct to the best of the knowledge and belief of the undersigned based upon review of the material available.

15. All Defendants properly served to date consent to the removal.

16. Based on the foregoing, the Defendants have met their burden of establishing that this Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1332.

17. In removing this action, the Defendants do not intend to waive any rights or defenses to which is otherwise entitled to under the Federal Rules of Civil Procedure.

WHEREFORE, the Defendants remove this action currently pending in the Superior Court of the State of New Hampshire, Hillsborough County, Southern District to this Court and respectfully request that this Court assume jurisdiction of this matter and take all further steps as required to determine this controversy.

Respectfully Submitted,

/s/Christopher T. Hilson

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*Counsel for Defendants Energy North Incorporated  
and Joshua Miller*

**Dated:** January 19, 2023

**CERTIFICATE OF SERVICE**

I hereby certify that, on January 19, 2023, the foregoing document was filed through the CM/ECF system. The document will be sent electronically to the registered participants, and paper copies will be served via FedEx on those indicated as non-registered participants.

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*/s/Christopher T. Hilson*  
Christopher T. Hilson